

# Exhibit F



PROCUREMENT AND ENFORCEMENT  
OF INTELLECTUAL PROPERTY

**CISLO & THOMAS LLP**

*Attorneys at Law*

PATENT, TRADEMARK  
COPYRIGHT & RELATED MATTERS

WESTLAKE VILLAGE  
2829 TOWNSGATE ROAD  
SUITE 330  
WESTLAKE VILLAGE, CA 91361-3006  
(805) 496-1164

12100 WILSHIRE BOULEVARD  
SUITE 1700  
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SANTA BARBARA  
7 WEST FIGUEROA STREET  
THIRD FLOOR  
SANTA BARBARA, CA 93101-5109  
(805) 962-1515

February 12, 2025

Netflix, Inc.  
Attn: David Hyman, Chief Legal Officer  
121 Albright Way  
Los Gatos, CA 95032

**VIA FEDERAL EXPRESS AND EMAIL  
TRANSMISSION**

EMAIL ADDRESS: d.hyman@netflix.com;  
david.hyman@netflix.com; dhyman@netflix.com;  
mellis@3arts.com; david.zaslav@warnerbros.com;  
legal@wb.com

23/34 Productions  
Attn: Ike Barinholtz  
3rd Floor, North Tower  
c/o Jared Levine, 2000 Ave. of the Stars  
Los Angeles, CA 90067

3 Arts Entertainment  
Attn: Mike Ellis  
9460 Wilshire Boulevard  
Beverly Hills, CA 90212

Kaling International  
Attn: Mindy Kaling  
1888 Century Park East, Ste. 900  
Los Angeles, CA 90067

Warner Brothers Entertainment Inc.  
Attn: David Zaslav, President/CEO  
3400 W Riverside Dr.  
Burbank, Ca 91505-4669

**Re: RUNNING POINT - Trademark Dilution and Defamation  
C&T Ref. No.: 25-92694**

Dear Sirs/Madam:

Our firm represents Pepperdine University ("Pepperdine" or "University") in intellectual property matters. As you are likely aware, Pepperdine is a prestigious Christian institution of higher education offering undergraduate, graduate, law, and business degrees in the United States.

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Pepperdine is also widely acclaimed for its study abroad programs, which rank among the best in the United States.

In addition to its academic programs, the University is recognized as having one of the most successful athletic programs for Division I schools. In 1937, Pepperdine adopted the name “WAVES” for its sports teams and for over eighty (80) years the Waves have excelled in various NCAA sports, including winning 10 NCAA team championships in five different sports. See, <https://pepperdinewaves.com/sports/2018/6/15/trads-pepp-national-championships-html.aspx>.

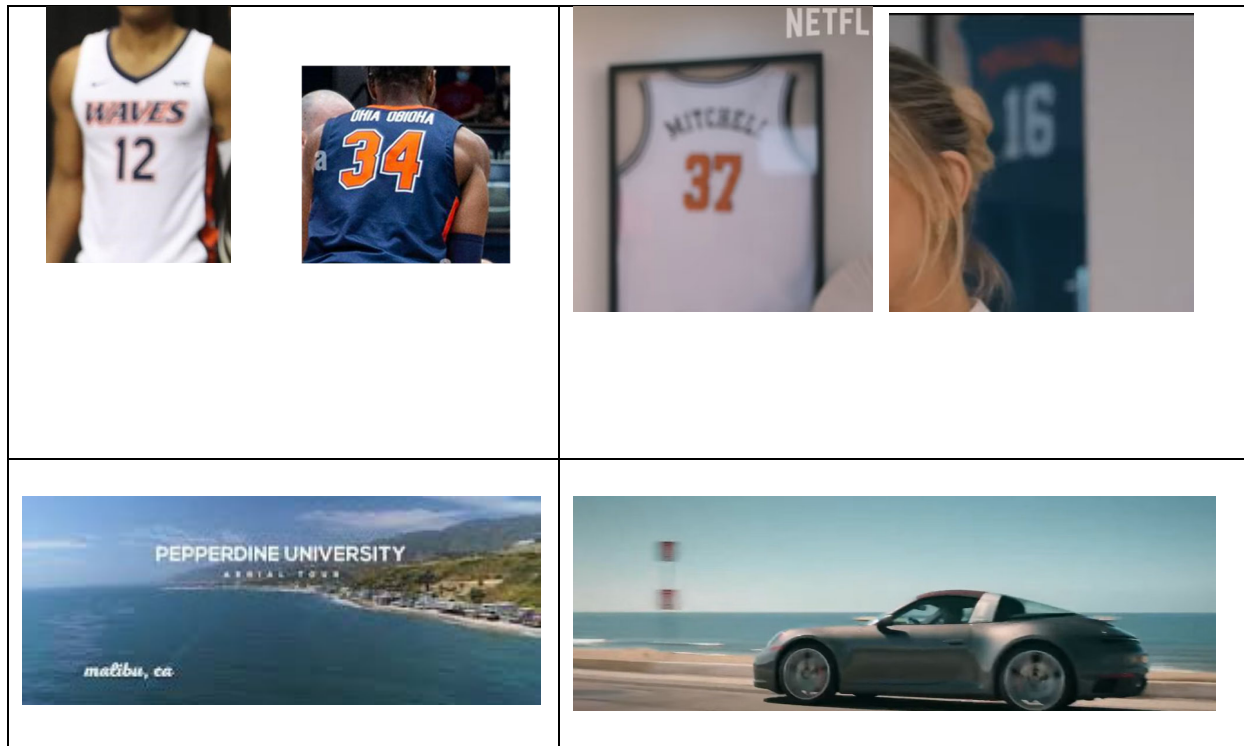
The Waves men’s basketball team has competed in the NCAA DI men’s basketball tournament 13 times and are 3rd all-time in WCC Tournament wins and championships. Throughout the Waves’ long history, thirty-eight (38) former players have been drafted or played in the NBA.

We are sending you this letter because Pepperdine recently became aware of a soon-to-be launched Netflix series entitled *Running Point* about a Los Angeles basketball team called the “Waves.” After viewing the trailer, one cannot help but immediately notice the striking similarities between *Running Point*’s “Waves” basketball team and Pepperdine’s Waves.

Pepperdine is located in the coastal beach town of Malibu in Los Angeles County. The school colors including the basketball team are white, orange, and blue.

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The trailer for the series also appears to frequently display a jersey featuring the number “37” which our client finds interesting as this number is very important to our client as it is the school’s founding year. The number “37” is worn by Pepperdine’s Waves mascot and famous athletes that are alumni like Sahith Theegala.



The University owns several trademark registrations protecting the Pepperdine WAVES name, brand, and reputation. The Pepperdine WAVES mark is widely recognized by the general public, instantly connecting consumers to the University and its programs and services. Pepperdine and its WAVES mark are nationally identified and recognized through decades of years of use, extensive marketing, national exposure, and unsolicited press recognition. Simply put, Pepperdine’s WAVES trademark is famous. See U.S. Registration Nos. 2967811, 2903783, and 2668597. For obvious reasons, the WAVES name is critically important to our client.

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As an initial matter, the University believes and asserts that the use of its trademarked name, colors, and setting is infringing Pepperdine's rights. *Running Point* is creating an association in the general public's minds by imitating Pepperdine's brand – the exact same name, the exact same color combinations, and the city of Los Angeles – all of which call to mind the Pepperdine WAVES. 15 U.S.C. § 1125(c)(2)(B); *Levi Strauss v. Abercrombie & Fitch*, Case No. 09-16322 (9th Cir., Feb. 8, 2011).

Additionally, a raunchy comedy that frequently uses foul language and offensive themes does not align with Pepperdine's culture or values. This defamatory portrayal of WAVES basketball further tarnishes and disparages the Pepperdine brand. Our client hopes the University was not targeted by the writers of *Running Point* in order to create a juxtaposition between show's crass nature and the University's conservative and religious beliefs for entertainment.

Many students and faculty choose Pepperdine based on its mission, high standard of academic excellence, and Christian values. As such, the clear similarities between *Running Point*'s "WAVES" and Pepperdine's WAVES is commercially harmful to Pepperdine. 15 U.S.C. § 1125(c)(2)(C).

Pepperdine does not want any affiliation and/or association with the "WAVES" featured in *Running Point*. As an infringer, *Running Point*, its production companies, and Netflix may be permanently enjoined and possibly held civilly liable for all damages and harm to Pepperdine's goodwill attributable to the series, as well as reimbursement of all attorneys' fees and costs incurred by the University in asserting its rights. See, 15 U.S.C. §1125 and 15 U.S.C. §1114.

Furthermore, the University has an obligation to protect its reputation and a legal obligation to enforce its rights. And, because Pepperdine is a famous trademark, it is subject to dilution, a legal standard that is different from likelihood of confusion.

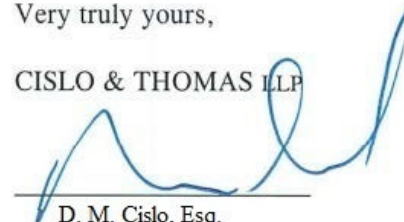
Since it is our client's policy to vigorously enforce its intellectual property rights, Pepperdine University has authorized our firm to pursue all legal means to enforce its trademark rights and other intellectual property and commercial rights. Consequently, the University will take whatever action is necessary to secure compliance with our client's rights, including filing for an immediate injunctive relief order and seeking the full amount of damages afforded under the law.

Prior to any such undertakings, however, Pepperdine is willing to discuss the matter directly with Netflix management. Prior to any such undertakings, however, Pepperdine is willing to continue to briefly engage in informal discussions. Indeed, Pepperdine's General Counsel has already had a conversation with Warner Bros.' Diana O'Brien about Pepperdine's concerns.

Nothing in this letter constitutes a waiver of any of our client's rights in law or in equity, all of which are expressly reserved, including the right to request monetary compensation. We also reserve all rights to expand our allegations based on further investigations, which are ongoing.

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If you would like to discuss the matter further, please do not hesitate to contact me.

Very truly yours,  
CISLO & THOMAS LLP  
  
D. M. Cislo, Esq.

Enclosure(s):  
U.S. Registration Nos. 2967811, 2903783, and 2668597

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101 and 107**

**Reg. No. 2,668,597**

**United States Patent and Trademark Office**

**Registered Dec. 31, 2002**

**SERVICE MARK  
PRINCIPAL REGISTER**

**WAVES**

PEPPERDINE UNIVERSITY (CALIFORNIA NOT  
FOR PROFIT, PUBLIC BENEFIT CORPORATION)  
24255 PACIFIC COAST HIGHWAY  
MALIBU, CA 90263

FOR: EDUCATION AND ENTERTAINMENT  
SERVICES, NAMELY, PROVIDING COURSE OF  
INSTRUCTION AT THE UNIVERSITY LEVEL; EDU-  
CATIONAL RESEARCH; ARRANGING AND CON-  
DUCTING ATHLETIC EVENTS AND

TOURNAMENTS, EXHIBITIONS, CONFERENCES,  
LIVE PERFORMANCES AND FESTIVALS, IN  
CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-0-1937; IN COMMERCE 9-0-1937.

SER. NO. 76-328,431, FILED 10-19-2001.

RUDY R. SINGLETON, EXAMINING ATTORNEY

**Int. Cls.: 25 and 41**

**Prior U.S. Cls.: 22, 39, 100, 101, and 107**

**Reg. No. 2,903,783**

**United States Patent and Trademark Office**

**Registered Nov. 16, 2004**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**



PEPPERDINE UNIVERSITY (CALIFORNIA NON-  
PROFIT CORPORATION)  
24255 PACIFIC COAST HIGHWAY  
MALIBU, CA 90263

FOR: CLOTHING, NAMELY, TEE-SHIRTS,  
SWEATSHIRTS, SWEATPANTS, HATS, CAPS,  
SWEATERS, JACKETS, BOXER SHORTS, SOCKS,  
TANKTOPS, AND SHORTS, IN CLASS 25 (U.S. CLS.  
22 AND 39).

FIRST USE 6-1-2003; IN COMMERCE 6-1-2003.

FOR: EDUCATION AND ENTERTAINMENT  
SERVICES, NAMELY, PROVIDING COURSE OF  
INSTRUCTION AT THE UNIVERSITY LEVEL; EDU-  
CATIONAL RESEARCH; ARRANGING AND CON-  
DUCTING INTERCOLLEGIATE ATHLETIC  
COMPETITIONS AND TOURNAMENTS, ORGA-

NIZING AND CONDUCTING EDUCATIONAL EX-  
HIBITIONS IN THE AREAS OF ART, CULTURE,  
TECHNOLOGY, AND OTHER SUBJECTS OF IN-  
TEREST TO THE UNIVERSITY COMMUNITY; AR-  
RANGING AND CONDUCTING EDUCATIONAL  
CONFERENCES, ENTERTAINMENT SERVICES IN  
THE NATURE OF LIVE MUSICAL AND OTHER  
PERFORMING ARTS PERFORMANCES, AND OR-  
GANIZING AND CONDUCTING CULTURAL, ART,  
ATHLETIC AND ACADEMIC FESTIVALS, IN  
CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 6-1-2003; IN COMMERCE 6-1-2003.

SN 76-523,317, FILED 6-17-2003.

JENNIFER CHICOSKI, EXAMINING ATTORNEY



**Int. Cls.: 25 and 41**

**Prior U.S. Cls.: 22, 39, 100, 101, and 107**

**Reg. No. 2,967,811**

**United States Patent and Trademark Office**

**Registered July 12, 2005**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**PEPPERDINE  
WAVES**

PEPPERDINE UNIVERSITY (CALIFORNIA NON-PROFIT CORPORATION)  
24255 PACIFIC COAST HIGHWAY  
MALIBU, CA 90263

FOR: CLOTHING, NAMELY, TEE-SHIRTS, SWEATSHIRTS, SWEATPANTS, HATS, CAPS, SWEATERS, JACKETS, BOXER SHORTS, SOCKS, TANKTOPS, AND SHORTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 6-1-2003; IN COMMERCE 6-1-2003.

FOR: EDUCATION AND ENTERTAINMENT SERVICES, NAMELY, PROVIDING COURSE OF INSTRUCTION AT THE UNIVERSITY LEVEL; EDUCATIONAL RESEARCH; ARRANGING AND CONDUCTING INTERCOLLEGIATE ATHLETIC COMPETITIONS AND TOURNAMENTS, ORGA-

NIZING AND CONDUCTING EDUCATIONAL EXHIBITIONS IN THE AREAS OF ART, CULTURE, TECHNOLOGY, AND OTHER SUBJECTS OF INTEREST TO THE UNIVERSITY COMMUNITY; ARRANGING AND CONDUCTING EDUCATIONAL CONFERENCES, ENTERTAINMENT SERVICES IN THE NATURE OF LIVE MUSICAL AND OTHER PERFORMING ARTS PERFORMANCES, AND ORGANIZING AND CONDUCTING CULTURAL, ART, ATHLETIC AND ACADEMIC FESTIVALS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 6-1-2003; IN COMMERCE 6-1-2003.

SN 76-523,320, FILED 6-17-2003.

JENNIFER CHICOSKI, EXAMINING ATTORNEY